United Nations A/66/PV.98

General Assembly
Sixty-sixth session

Official Records

98th plenary meeting
Thursday, 23 February 2012, 10 a.m.
New York

*President:* Mr. Al-Nasser ..... (Qatar)

*In the absence of the President, Mr. Zinsou (Benin), Vice-President, took the Chair.*

*The meeting was called to order at 10.20 a.m.*

**Agenda item 138** (*continued*)

**Scale of assessments for the apportionment of the expenses of the United Nations (A/66/668/Add.4)**

**The Acting President** (*spoke in French*): Before proceeding to the items on our agenda, I should like, in keeping with established practice, to draw the attention of the General Assembly to document A/66/668/Add.4, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communication contained in document A/66/668/Add.3, Palau has made the payment necessary to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in document A/66/668/Add.4?

*It was so decided.*

**Agenda item 115** (*continued*)

**Appointments to fill vacancies in subsidiary organs and other appointments**

**(j) Appointment of the judges of the United Nations Appeals Tribunal**

**Memorandum by the Secretary-General (A/66/682)**

**Report of the Internal Justice Council (A/66/664)**

**The Acting President** (*spoke in French*): As indicated in document A/66/682, since the terms of office of judges Jean Courtial, Kamaljit Singh Garewal and Mark P. Painter are due to expire on 30 June 2012, it will be necessary during the sixty-sixth session for the General Assembly to appoint three judges to the Appeals Tribunal to fill the resulting vacancies. In accordance with paragraph 4, article 3, of the statute of the Appeals Tribunal, the term of office of the judges will be seven years, beginning on 1 July 2012.

As also indicated in document A/66/682, in accordance with paragraph 2, article 3, of the statute of the Appeals Tribunal, its judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with General Assembly resolution 62/228. No two judges shall be of the same nationality.

The names of the candidates recommended for appointment to the Appeals Tribunal are listed in document A/66/682, and their profiles are contained in document A/66/664.

In order to be eligible for appointment, paragraph 3, article 3, of the statute of the Appeals Tribunal requires that a person shall be of high moral character and possess at least 15 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.

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Paragraph 4, article 3, of the statute of the Appeals Tribunal further provides that a judge of the Appeals Tribunal shall be appointed for one non-renewable term of seven years.

In document A/66/682, it is proposed that the General Assembly proceed to appoint the judges of the Appeals Tribunal by way of an election, bearing in mind paragraph 58 of resolution 63/253, in which the Assembly called on Member States, when electing judges to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, to take due consideration of geographical distribution and gender balance.

If there is no objection, may I take it that the General Assembly agrees to the proposal?

*It was so decided.*

**The Acting President** (*spoke in French*): Consistent with the practice of the General Assembly, the candidates who obtain the largest number of votes and a majority of the votes of those present and voting shall be considered elected and thereby appointed by the Assembly to the Appeals Tribunal. Balloting shall continue, in accordance with the rules of procedure of the General Assembly, until as many candidates as are required for the seats on the Appeals Tribunal to be filled have obtained, in one or more ballots, a majority of the votes of the members present and voting.

Consistent with past practice, if in the case of a tie vote it becomes necessary to determine the candidate to be elected or who will proceed to the next round of restricted balloting, there will be a special restricted ballot limited to those candidates who have obtained an equal number of votes.

May I take it that the General Assembly agrees to those procedures?

*It was so decided.*

**The Acting President** (*spoke in French*): The General Assembly will now proceed to the election of three judges of the United Nations Appeals Tribunal.

Only those candidates whose names appear on the ballot papers are eligible for election. Representatives are requested to indicate the candidates for whom they wish to vote by placing crosses against their names on the ballot papers. Each representative may vote for not more than three candidates for appointment to the Appeals Tribunal.

The election will be held in accordance with the relevant rules of procedure of the General Assembly. Therefore, in accordance with rule 92 of the rules of procedure, the election shall be held by secret ballot and there shall be no nominations.

Before we begin the voting process, I should like to remind members that, pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting. In addition, ballot papers will only be given to the representative seated directly behind the country's nameplate.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers will now be distributed. May I request representatives to indicate the candidates for whom they wish to vote by placing crosses against their names on the ballot papers.

May I also remind representatives that they may vote for not more than three candidates for appointment to the Tribunal. A ballot will be declared invalid if more than three names are marked for appointment to the Appeals Tribunal.

*At the invitation of the Acting President, Ms. Daniel (Botswana), Ms. Kamis (Brunei Darussalam), Ms. Reyes (Honduras), Mrs. Griffin (Lithuania), Mr. Adejola (Nigeria) and Mr. Kunz (Switzerland) acted as tellers.*

*A vote was taken by secret ballot.*

*The meeting was suspended at 10.40 a.m. and resumed at 11.15 a.m.*

**The Acting President**: The result of the voting is as follows:

| | |
|---|---|
| Number of ballot papers: | 170 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 170 |
| Abstentions: | 0 |
| Number of members present: | 170 |
| Required majority: | 86 |
| Number of votes obtained: | |
| Rosalyn M. Chapman (United States of America): | 112 |
| Richard Lussik (Samoa): | 97 |
| Jean Courtial (France): | 94 |
| Moses Chinhengo (Zimbabwe): | 78 |

| | |
|---|---|
| Alessandra Greceanu (Romania): | 64 |
| Vagn Prusse Joensen (Denmark): | 47 |

*Having obtained the required majority and the largest number of votes, Ms. Rosalyn M. Chapman (United States of America), Mr. Richard Lussick (Samoa) and Mr. Jean Courtial (France) were duly appointed judges of the United Nations Appeals Tribunal for a seven-year term commencing on 1 July 2012.*

**The Acting President**: On behalf of the General Assembly, I would like to take this opportunity to congratulate the judges on their appointment, as well as to thank the tellers for their efforts.

May I take it that it is the wish of the Assembly to conclude its consideration of sub-item (j) of agenda item 115?

*It was so decided.*

**Agenda item 124** (*continued*)

**United Nations reform: measures and proposals**

**Draft resolution (A/66/L.37)**

**The Acting President** (*spoke in French*): Members will recall that the Assembly considered this item in a joint debate with agenda items 14 and 117 and sub-item (a) of agenda item 123, at its 72nd plenary meeting, on 2 December 2011.

I now give the floor to the representative of the Russian Federation to introduce draft resolution A/66/L.37.

**Mr. Lukiyantsev** (Russian Federation) (*spoke in Russian*): On behalf of the delegation of the Russian Federation and the group of sponsors, I have the honour to introduce the draft resolution contained in document A/66/L.37. This initiative is interregional in nature. In addition to the Russian Federation, the sponsors also include Algeria, Belarus, the Plurinational State of Bolivia, China, Cuba, the Democratic People's Republic of Korea, India, Indonesia, the Islamic Republic of Iran, Nicaragua, Pakistan, the Sudan, the Syrian Arab Republic, Tajikistan, Thailand, the Bolivarian Republic of Venezuela, Viet Nam and Zimbabwe.

The sponsors of the draft resolution attach great importance to the effective functioning of human rights treaty bodies — one of the cornerstones of the universal system for promoting and upholding human rights. One could say without exaggeration that the activities of the human rights treaty bodies constitute one of the more successful chapters in the history of intergovernmental engagement in the humanitarian sphere.

At the same time, we are aware of the difficulties that the system faces at the current stage of its development. It is no secret to anyone that treaty bodies are functioning more or less tolerably only because States are not fully meeting their obligations to submit periodic reports under the relevant treaties on schedule.

We cannot conclude that such a situation is a normal one. Any system must work effectively, not in spite of but because of the principles laid out in it. It is that concern for the effectiveness of human rights treaty bodies that is at the very heart of our initiative today. We are also certain that the time has come to put the ongoing disparate discussions on the subject of perfecting the activities of treaty bodies on an intergovernmental footing at the General Assembly. It is unacceptable to ignore the views of Member States.

At the same time, we strongly disagree with those that, during the consultations and in contacts with us, have supported Geneva and not opted for the General Assembly as the venue for the future intergovernmental process. It has therefore been proposed to us to exclude a considerable number of States from that process that are not represented in Geneva. Unlike those making such proposals, it is important to the sponsors that we hear the views of all States during the upcoming negotiations.

From the outset, the process of negotiating the draft resolution was open and transparent. For our part, we have sought to reflect the comments and proposals of all interested parties in the text. The proof of that is in the current text of the draft resolution. Even a rapid assessment will show that it does not contain any paragraph from the original version of the document circulated by us in December. Before the Assembly is the outcome of our joint work. In that regard, we would like to express our true appreciation to those delegations that have constructively helped to find mutually acceptable solutions.

The delegation of the Russian Federation is of the view that the adoption of the draft resolution with the broadest possible support and the launching of the relevant intergovernmental process of the General Assembly will clearly strengthen the human rights treaty body system and enhance the effectiveness of

the international regime in promoting and protecting human rights in general.

**The Acting President** (*spoke in French*): We shall now proceed to consider draft resolution A/66/L.37, entitled "Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system".

Before giving the floor to the speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Guerber** (Switzerland) (*spoke in French*): Switzerland has always defended the vision of a world in which human rights are not only universally respected, but also universally observed. That is why we are convinced that effective and credible instruments to monitor human rights agreements are necessary.

It is indisputable that human rights treaty bodies need to be strengthened, in particular by the United Nations High Commissioner for Human Rights providing adequate financial resources. It is necessary to resolve, in particular, issues of consistency, coordination and duplication among treaty bodies, causing a greater administrative burden for Member States in connection with the drafting of reports and the delay in their consideration by treaty bodies.

The treaty body system has a value that should be protected at all costs, namely, the independence and expertise of those bodies that, unencumbered, pronounce on the human rights situation in the various States parties with regard to their respective human rights obligations. From the beginning, Switzerland supported the inclusive process, launched in 2009 by the United Nations High Commissioner for Human Rights, which enables us to consider improvements to be made to the system. However, we cannot support an initiative that would compromise the independence of its bodies and their experts.

Switzerland recognizes that, once the outcomes of the process started by the High Commissioner have been issued, an intergovernmental process that respects the relevant competencies of the General Assembly, the Human Rights Council and States parties to the various human rights treaties can be launched in an appropriate form. However, the current draft resolution does not adequately meet those conditions.

We thank the authors of the draft resolution for having taken into account some objections, but regret the fact that a number of significant concerns expressed by certain delegations, including ours, were not taken into consideration. Switzerland has therefore decided to abstain in the voting on the draft resolution.

**Mr. Sammis** (United States of America): The United States requested this vote today after consultation with a large group of countries that have significant substantive and procedural concerns over draft resolution A/66/L.37.

We continue, in particular, to have significant concerns about the timing and the content of the intergovernmental process set out in it. We also think that the text inadequately addresses the important concerns raised by civil society organizations and others regarding their participation in the proposed process.

The United States, along with many other Member States, has been disappointed at the lack of flexibility that the sponsors have shown during the final stages of the negotiations on the draft resolution. They unfortunately rejected a number of constructive proposals that would have allowed it to be adopted by consensus — as the United States would very much have preferred.

The current text requires further consideration and improvement through continued negotiations. It sets up a comparable process to one already under way under the auspices of the Office of the United Nations High Commissioner for Human Rights (OHCHR), while leaving the timeline and the relationship between the two processes unclear.

The United States looks forward to participating in the intergovernmental process envisioned in the draft resolution. At the same time, we believe that the new intergovernmental process in New York should not begin until after the presentation of the report of the Office of the High Commissioner for Human Rights in June. The OHCHR has led an extensive multi-stakeholder process, with the participation of States parties to the human rights treaties, treaty body experts, national human rights institutions and civil society. The United States was pleased to submit our views in writing to the OHCHR in advance of our participation in the 7-8 February consultations in Geneva. It also looks forward to the April consultations here in New York.

While decisions on the strengthening of the treaty body system are a matter for States parties to decide, the United States believes that the OHCHR should be given the time to complete its process of soliciting input from States and other stakeholders and to inform the intergovernmental deliberations.

We should make additional efforts to avoid duplication of work, redundancies and the waste of resources in New York and Geneva. We should also provide a clear timeline for the completion of the process. While OHCHR is conducting consultations and issuing its report, the intergovernmental process should not be started. We hope that the OHCHR report will fully reflect the perspectives expressed in Geneva, and we do not think that there is a need for any alternate consultation process under the auspices of the presidency of the Human Rights Council at this time. Moreover, we do not view the draft resolution as providing a mandate for any such consultation process.

As the process moves forward, it is important for States members of the United Nations to respect the independence of the treaty bodies and the role of the States parties themselves in deciding on issues related to the scope and implementation of the respective treaties. In that regard, this process should avoid proposals that would endanger that independence or that would require treaty amendments.

For the avoidance of doubt, I would like to underline that the United States does not interpret any element of the draft resolution as altering the existing legal competencies of the relevant institutions, including the General Assembly and any conferences of States parties that would be convened with respect to each treaty.

As we discuss the various proposals in more depth and look for ways to strengthen the treaty body system, we believe that it would be useful to better understand the budgetary implications of each proposal. In our view, throughout the discussion of the range of proposals, detailed budgetary analysis would help to better inform our discussions. That is yet another reason why the intergovernmental process should not begin until OHCHR has completed its report, as we understand that the report will include budgetary information that will better inform these discussions.

Having requested this vote, the United States intends to abstain. We encourage other countries that share our concerns to do so as well.

**The Acting President** (*spoke in Fr. nch*): We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take action on draft resolution A/66/L.37, entitled "Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system".

I give the floor to the representative of the Secretariat.

**Mr. Zhang Saijin** (Department for General Assembly and Conference Management): I should like to announce that, in addition to those delegations listed in the draft resolution contained in document A/66/L.37, as well as those mentioned during the introduction of the draft resolution, Bangladesh has also become a sponsor of the draft resolution.

**The Acting President** (*spoke in French*): A recorded vote has been requested.

*A recorded vote was taken.*

*In favour*:

Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Colombia, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Grenada, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Malaysia, Maldives, Mauritania, Mongolia, Morocco, Myanmar, Namibia, Nicaragua, Niger, Oman, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe

*Against*:

None

*Abstaining*:

Albania, Andorra, Angola, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

*Draft resolution A/66/L.37 was adopted by 85 votes to none, with 66 abstentions* (resolution 66/254).

[Subsequently, the delegations of Nigeria, the Philippines and South Africa advised the Secretariat that they had intended to vote in favour.]

**The Acting President** (*spoke in French*): Before giving the floor to speakers in explanation of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Staur** (Denmark): I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina; as well as the Georgia and the Republic of Moldova align themselves with this statement.

I take the floor in explanation of vote following the adoption of resolution 66/254, entitled "Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system". At the outset, we express reservations with regard to the proposal made by the main sponsor for a comprehensive intergovernmental process to discuss reform, rather than the strengthening of the human rights treaty bodies.

Our concerns, many of which remain, are due in particular to the complex and independent nature of the treaty body system and the need to respect the competencies of different stakeholders, including the States parties to each convention, the treaty bodies themselves and the United Nations High Commissioner for Human Rights.

We support the treaty body strengthening process facilitated by the Office of the United Nations High Commissioner for Human Rights, which has made a significant contribution to raising the awareness of States and other stakeholders with regard to the challenges faced by the treaty body system and involving them in a transparent and participatory consultation process.

We look forward to the publication of the High Commissioner's report and believe that our discussions on the role of the General Assembly should have been postponed until her report is made available. We regret that the sponsors could not agree to that.

Many aspects of the functioning of the treaty bodies are matters for those bodies to decide for themselves, as provided for in the relevant conventions. We appreciate that attempts to promote gradual improvement and harmonization of working methods are being undertaken by the treaty bodies in accordance with the report of the High Commissioner for Human Rights. We are concerned that the work already under way might be undermined by an intergovernmental process that goes beyond what we see as its purview with respect to the treaty bodies.

We acknowledge the efforts of the main sponsor in the course of negotiations on the resolution to meet a number of our concerns that were raised in relation to its initial draft. We also recognize the addition of language to ensure that the ongoing consultations of the High Commissioner for Human Rights are taken into account by the General Assembly. However, we regret that there could be no agreement on including in the resolution specific language on the competencies of different stakeholders — a fundamental assumption that was not disputed during the negotiations. We remain concerned that those competencies will inform and frame the discussion in the General Assembly, including possible outcomes.

Further, we are concerned that paragraph 6 of the resolution does not sufficiently ensure the multi-stakeholder participation necessary for the process to be inclusive and transparent. Civil society has an essential role to play in the context of a

well-functioning treaty body system, and therefore, in our forthcoming consultations in New York, the EU does not interpret paragraph 6 as requiring additional negotiations among States regarding the arrangements that will allow the process to benefit from the input and expertise of all stakeholders.

Also, given that the report of the High Commissioner for Human Rights has been announced for June, we know that it might be too early for the intergovernmental process to provide recommendations during the sixty-sixth session of the General Assembly.

Over the past month, we have worked sincerely and hard for a consensual agreement on the text and regret that the sponsors of the resolution chose a course that would lead to divisions on an issue of shared and important concern to all. The States members of the European Union abstained in the voting on the resolution. It is the view of the EU that the General Assembly process should commence only once the report of the High Commissioner on the process facilitated by her is available. Moreover, we underline the need for the competencies of various stakeholders, including the States parties and the treaty bodies themselves, to be fully respected in the forthcoming intergovernmental process.

The EU encourages the President of the General Assembly to take measures to ensure that our deliberations on this matter are appropriately timed, transparent, inclusive and respectful of the competencies of various stakeholders in matters regarding the human rights treaty bodies.

**Mr. Mac-Donald** (Suriname): I am speaking on behalf of the 14 States members of the Caribbean Community (CARICOM).

CARICOM would like to express its appreciation to the delegation of the Russian Federation for introducing this initiative and for conducting open and inclusive consultations on resolution 66/254, which was just adopted. We believe that sincere efforts were made to take the concerns of all delegations into consideration.

CARICOM countries, the majority of which are not represented in Geneva, welcome the opportunity that the resolution provides for the General Assembly, with its universal membership, to consider the important issue of improving the effectiveness of the human rights treaty body system.

The establishment of an intergovernmental framework to seriously consider the challenges this system is faced with is long overdue. CARICOM is therefore of the view that, while discussions regarding the strengthening of the treaty body system have been ongoing for almost three decades, it is high time for the General Assembly to launch a structured, open, transparent and inclusive discussion.

The expansion of the treaty body system over the past 10 years has increased the ratification of human rights instruments, leading to an increased workload for the various treaty bodies without a corresponding increase in human and budgetary resources, which only highlights the necessity for the General Assembly to assume its responsibility and initiate intergovernmental discussions. It will be recalled that Member States are the main beneficiaries of the outcomes of the work of the treaty bodies and, as such, bear the primary responsibility for realizing the human rights obligations monitored by these bodies.

CARICOM is therefore pleased that, with the adoption of this resolution, an intergovernmental process has been launched, to commence no earlier than April 2012. During the consultations for the resolution, all Member States acknowledged the important role of States in the process, and we therefore call on all Member States to constructively participate in the discussions of this intergovernmental process.

CARICOM, for its part, is strongly committed to participate constructively and meaningfully in these discussions, and we look forward to considering all relevant proposals, including those made during the informal reflection process undertaken by the United Nations High Commissioner for Human Rights.

In closing, I would like to reiterate our strong support for the resolution and once again to thank the delegation of the Russian Federation for bringing this important issue to the attention of the General Assembly.

CARICOM also would like to state that it regrets that the resolution could not be adopted by consensus.

**Mr. De Léon Huerta** (Mexico) (*spoke in Spanish*): Mexico abstained in the voting on resolution 66/254 because we believe that, although it establishes a process of discussion on how we can strengthen the human rights treaty body system, we nevertheless feel that some aspects of the text should have been

revised to stipulate more clearly the parameters and competencies of the process. We sincerely thank the Russian Federation and the sponsors for all of their work on the resolution and for having considered some of the proposals that my delegation presented during discussions on the subject.

In particular, we note that in paragraph 6 we should have liked to see established from the very outset the fact that the process of discussion will include the direct and substantive participation of experts from the treaty bodies, non-governmental organizations and national human rights institutions, because those actors play a fundamental role in fulfilling the obligations established by the human rights treaties. One of our priorities in the following stages of this process will be to ensure that methods of direct participation are established so that all of these actors can participate in accordance with established practice, for example, during the negotiation of the Convention on the Rights of Persons with Disabilities. The legitimacy of this entire exercise will depend, to a large extent, on that.

With regard to paragraph 1, we should have liked to have seen clearly established the different competencies of the General Assembly, States parties and the treaty bodies. It is our understanding that the General Assembly has direct competence only to adopt measures that correspond to the financing of the human rights treaty bodies and that, with regard to any other matter, the provisions, responsibilities and competencies established by the treaties themselves must be respected, as they confirm, among other things, the autonomy of the treaty bodies to determine their own working methods. We also consider that the report to be presented by the United Nations High Commissioner for Human Rights to the General Assembly, which is the outcome of wide-ranging consultations with various sectors, should be the basis for our future discussions.

Mexico is party to most of the human rights treaties and their respective additional protocols. In fulfilling our obligation to present reports, we have benefited from the frank dialogue and the recommendations of the respective committees. That is why we sincerely hope that this process of reflection can generate the necessary agreement to strengthen the important system for the promotion and protection of human rights that we have been constructing over the course of many years.

**Mr. Escalante Hasbún** (El Salvador) (*spoke in Spanish*): El Salvador regrets that there was no consensus on resolution 66/254 on the intergovernmental process of the General Assembly on strengthening and enhancing the functioning of the human rights treaty body system, for which we voted in favour. We have closely followed this process from the beginning, and we welcome the progress it has made.

El Salvador attaches great importance to the comprehensive strengthening of the treaty bodies including, among other things, strengthening them financially to allow them to function more effectively and productively; strengthening the composition of the treaty bodies; and strengthening the preparation of reports and the generation of basic information that avoids duplication and optimizes efforts and dialogue between States parties and treaty bodies.

El Salvador would like to highlight the work carried out by the United Nations High Commissioner for Human Rights, who, since October 2009, has called on States to reflect on how they can optimize conventional systems in order to improve coordination among the various mechanisms and their interaction with the special procedures and the Universal Periodic Review mechanism.

As the resolution just adopted clearly indicates, we are now launching a new stage of this process in which States, which are primarily responsible for promoting universal respect for and observance of human rights and basic freedoms, will take up the work carried out by the Secretary-General, as reflected in document A/66/344, and by the High Commissioner included in her report, which we hope to receive in June, together with the various consultations held throughout the world, including those to be held here in New York in April.

As many delegations have stated throughout the consultation process conducted by the High Commissioner, in order to make the human rights treaty body system more effective, there is a need for sufficient additional resources that take into account both the current and future needs of the system, including from within the regular budget of the Organization, provided that such allocations do not jeopardize funds intended for development.

As everybody knows, one third of the States parties present their reports on time. Even despite the low number of reports, the treaty bodies face significant structural problems in handling their current workload. In 2011, an average of 250 reports were awaiting review.

Along with improving the effective functioning of the treaty bodies, we should also keep in mind the importance of improving the internal capacities of States parties with respect to the drafting of reports, for which technical support is needed from the United Nations High Commissioner for Human Rights. We consider this to be of particular importance in the case of countries emerging from long periods of crisis or conflict.

El Salvador is an increasingly active participant in the international human rights framework. In recent years, we have taken on new positions before committees and commissions in the development and presentation of reports and in advancing the implementation of the resolutions, recommendations and decisions of the treaty bodies, as well as by the Inter-American human rights system. In our relationship with human rights treaty bodies, El Salvador will continue to demonstrate full respect, shoulder its responsibilities and present information in a timely manner that reflects the reality on the ground.

At the same time, we are already working at the national level to implement the follow-up measures that have been recommended. By the same token, and as promised in the context of the commitments that we made in the Universal Periodic Review, El Salvador will undertake a multisectoral process of internal consultation, with the participation of civil society, in order to examine the compatibility of each international instrument under study with the various norms contained in our Constitution.

I would like to conclude by expressing our support for the open-ended intergovernmental process, which will have a channel of direct communication with the Human Rights Council, and which we hope will also benefit from the experience of other non-State actors. El Salvador will participate as an active member in the intergovernmental process, which we trust will bring us closer to a more effective human rights treaty body system that will ultimately benefit Member States and our respective peoples.

**Mr. Sparber** (Liechtenstein): Liechtenstein considers the treaty body system to be one of the most important achievements of the United Nations human rights system. We have engaged actively and constructively in efforts to strengthen that system in the framework of the multi-stakeholder process initiated by the United Nations High Commissioner for Human Rights in 2009. In that regard, we look forward to the consultations with Member States in April in New York, as well as to the report of the High Commissioner detailing proposals put forward in the course of that process.

On the basis of that report, intergovernmental consultations will, we hope, allow for a comprehensive discussion of the issues at hand and lead to concrete agreements and proposals to the different stakeholders involved. It is of fundamental importance that the intergovernmental process respect the different legal competences of treaty bodies, States parties to human rights treaties and the General Assembly. Any possible outcome of the intergovernmental consultations will have to make a clear distinction between proposals addressed to different stakeholders, taking into account their legal competences. Only with an agreement on that important principle can we enter into constructive and good faith consultations on the technical and political substance.

Liechtenstein is concerned that such an agreement was not reached in resolution 66/254. The independence of the treaty bodies is essential to the implementation of their respective mandates as defined in the relevant treaties. Changing the mandate of treaty bodies lies within the sole competence of States parties. Liechtenstein will firmly oppose any attempt to limit the independence of treaty bodies.

Strengthening the effectiveness and efficiency of the treaty body system is a responsibility shared by many stakeholders. It is therefore important that the upcoming intergovernmental consultations benefit from the active participation of all stakeholders, in particular treaty bodies and their members, but also civil society and representatives of rights holders. We trust that the facilitators soon to be appointed by the President of the General Assembly will take the necessary steps in that regard.

The resolution adopted today is the result of intensive and generally constructive deliberations. Liechtenstein thanks the Russian Federation for an open and transparent consultation process and for accommodating a considerable number of proposals. However, given the fruitful discussions on the substantive matter of the resolution, we had hoped to be given more time to bring the different positions closer together. It is unfortunate that a hastily voted outcome

puts at jeopardy the important results already achieved in the ongoing process.

Liechtenstein will continue to attach high importance to strengthening the treaty body system. On the basis of the concerns expressed above, however, Liechtenstein abstained in the voting on the resolution.

**Mr. Ulibarri** (Costa Rica) (*spoke in Spanish*): Costa Rica is genuinely committed to improving and strengthening the treaty body system. Our country is party to 10 instruments that establish bodies to oversee their implementation. We support intergovernmental discussions to strengthen those bodies, with the broad participation of their own experts, the Office of the United Nations High Commissioner for Human Rights, civil society, national human rights organizations, the academy and other relevant actors.

As soon as the Russian Federation announced its initiative, our delegation raised serious and, we believe, well-founded doubts and registered our observations on a number of points, especially on the text's failure to distinguish among the legal competences of the various actors connected to the issue, in particular with respect to the crucial role of the conferences of States parties and of the treaty bodies themselves.

With the aim of achieving substantial improvements, Costa Rica took an active and constructive part in the negotiations from the beginning. We thank the Russian Federation for its efforts to respond to our concerns. Unfortunately, the concerns we considered to be most important are not sufficiently reflected in the text that was presented. We are particularly concerned by the lack of distinction among the legal competencies of the different actors connected to the issue. That is reflected in a mandate that is totally open to the process of intergovernmental discussion. From our point of view, such openness may undermine the process itself and the possibility of achieving positive results.

We believe that the possibilities for agreeing on a clear framework for a process on this issue in the General Assembly would have been greater if we had waited for the promised report from the Office of the United Nations High Commissioner for Human Rights, which will take only a few months. The quality of the results could have benefited from our clear commitment to waiting for that report before beginning our consultations.

For all those reasons, we abstained from supporting the resolution. We understand that the deliberations to be conducted at this session will not have a single starting negotiation text and that they will be held on the basis of hearings that rely essentially on the contents of the Secretary-General's report mentioned in the resolution (A/66/344) and on the forthcoming report by the Office of the High Commissioner. By virtue of the text just adopted, we also understand that any possible recommendations arrived at during that process may contravene neither the obligations of the States parties nor their established legal competences, and that they may not in any way affect the independence of the treaty bodies. My country will participate actively in this process in order to work towards a result that in effect will strengthen treaty bodies.

**Mrs. Ortigosa** (Uruguay) (*spoke in Spanish*): Uruguay voted in favour of resolution 66/254, which establishes an intergovernmental process at the General Assembly aimed at strengthening and improving the effective functioning of human rights treaty bodies.

My delegation participated actively and constructively in the negotiations. We put forward alternative formulas to address those points where there were differences. With a view towards consensus, we demonstrated flexibility with regard to our initial positions in areas critical for our country. While we appreciate the flexibility shown during the process by the delegation of the Russian Federation, we regret that there were no additional informal meetings, which could have produced agreement on those points where there were still differences.

In that regard, my delegation wishes to express its deep concern at the inability to reaffirm the Universal Declaration of Human Rights, even though that is the basic document of all human rights instruments, and even though it has met with no objections and has been reaffirmed many times.

We also regret the absence from the final text of any reference to two fundamentally important issues relating to the role of treaty bodies, namely, the way such bodies contribute to the development of human rights law, and the need to harmonize differing interpretations of the provisions of international human rights instruments.

In the view of my delegation, retaining the reference in paragraph 1 to conducting negotiations, rather than consultations, implies that we are prejudging the

outcome of the consultative process that has been carried out by the High Commissioner for Human Rights. In that paragraph, we would have preferred the inclusion of a reference to differentiated legal competencies. That is a proposal we have supported and insisted upon throughout the course of the discussions.

For those reasons, my delegation reiterates the need to keep in mind that, even after final agreements are reached, the forums wherein the decision-making process takes place by which those agreements are carried out vary: in the Committees themselves, with their own rules of procedures and working methods, when it comes to United Nations treaties and general norms; at the various review conferences of States parties, when it comes to amending treaties, where all States and other stakeholders set out their views on how to rationalize the system and make it more coherent, efficient and effective; and at the General Assembly, which approves the relevant financial resources.

With regard to the participation of non-governmental organizations, it is certainly an improvement that input will no longer be limited to those organizations that have been accorded official, consultative status at the Economic and Social Council. However, the stipulation that separate, informal arrangements should be established neither clearly establishes nor ensures that the intergovernmental process will not receive the full benefit of meaningful input from treaty bodies, national human rights institutions and non-governmental organizations. My delegation expresses its concern about that language, which fails to take into account the history of consultative processes that have been opened to such stakeholders without such a limitation.

Meanwhile, it also is not clear to my delegation how the intergovernmental process in New York will be linked with the work done in Geneva, except through bilateral contact between the Presidents of the General Assembly and the Human Rights Council, which we do not believe are sufficient in this case.

Finally, my delegation is also concerned at the apparent intent to establish an artificial deadline to finalize negotiations and reach agreement on recommendations.

**Mr. Estreme** (Argentina) (*spoke in Spanish*): The delegation of Argentina voted in favor of resolution 66/254 because we believe that it is important to have an in-depth discussion on the strengthening of human rights treaty bodies. One of the most important tools of the international system for the promotion and protection of human rights is facing various challenges because of the increasing demands to which it is being subjected. We also recognize that, in the resolution we have just adopted, great improvements were made from the text that was initially proposed for negotiation.

However, we cannot help but regret the fact that the resolution contains no explicit recognition of the differentiation of legal competencies among the various players involved in the process, namely, the General Assembly, the States parties to the various treaty bodies and the treaty bodies themselves. We also believe that a discussion of this nature should be open and inclusive, taking into account the contributions of experts from the treaty bodies as well as civil society and other key actors in the system. That is not guaranteed in the resolution.

For Argentina, any discussion or negotiation on strengthening the bodies created by treaties carried out by the General Assembly must respect the various legal competencies, ensure the independence of the bodies and be guided by the notion that its final result should serve to improve the enjoyment of human rights by all citizens whose States are party to the treaties. Likewise, we consider it critical that the intergovernmental process complement and take into account the initiatives and efforts of the High Commissioner for Human Rights and involve consultation with multiple stakeholders on how the system can be strengthened. We will participate in debates related to the process to begin following the adoption of the resolution while bearing in mind those considerations and understandings.

Finally, as I mentioned a few moments ago, we ask that the informal arrangements referred to in paragraph 6 of the resolution ensure broad and adequate participation of all stakeholders referred to therein.

**Ms. Burgess** (Canada): Canada has been a champion of the international system for the protection and promotion of human rights since its inception with the Universal Declaration of Human Rights. Canada is party to the seven core international human rights instruments. As a State party to those instruments, Canada is committed to the principles of the treaty body system, in particular the central role played by the treaty bodies in monitoring States' implementation of their international human rights obligations, which Canada takes very seriously. The Government of

Canada therefore strongly supports efforts to strengthen the treaty body system.

Canada is of the view that for such a process to be successful and productive, it should be based on consensus. We are therefore disappointed that a resolution on such an important issue had to be adopted by a vote. Canada is disappointed with the negotiation process, which did not take on board in a meaningful way the views of a diverse group of countries. Unfortunately, this process allowed for limited opportunity to fully discuss the second version of the Chair's text, despite reasonable efforts by a broad cross-section of States to suggest minimal changes that would have, in our view, strengthened the text and set the process off on a more positive basis.

From the beginning, Canada was of the view that such a resolution should come after the conclusion of the process undertaken by the Office of the United Nations High Commissioner for Human Rights, so that its recommendations could appropriately inform the subsequent intergovernmental deliberations.

Canada is also of the view that resolution 66/254 should have more clearly recognized the importance of the different legal competencies, States parties' obligations under these instruments and the important role that the treaty bodies themselves should play in this process. Those elements are integral to ensuring that the subsequent intergovernmental process is productive and leads to actual strengthening of the treaty body system. For those reasons, Canada abstained in the voting.

Canada looks forward to constructively engaging in the intergovernmental process that is established by resolution 66/254.

**Mrs. Smith** (Norway): Norway sees the work of the treaty bodies as a cornerstone of the international system for monitoring States' compliance with human rights obligations. We support all efforts to streamline the work of the treaty bodies to increase the efficiency, accessibility and impact of the treaty body system.

We have engaged actively and constructively in efforts to strengthen the effectiveness and efficiency of the treaty bodies in the framework of the multi-stakeholder process initiated by the Office of the United Nations High Commissioner for Human Rights in 2009. We look forward to the High Commissioner's report, which is scheduled to be issued in June. We would have preferred that the intergovernmental process in New York would have started after we had time to study the forthcoming report.

Furthermore, resolution 66/254 should have reflected more clearly the different legal competencies of treaty bodies, States parties to human rights treaties and the General Assembly.

Last but not least, we remain concerned about the important stakeholders having an opportunity to take part in the intergovernmental process.

For those reasons, Norway felt compelled to abstain in the voting on the resolution. However, we will engage constructively and in good faith in the forthcoming consultations with Member States. On the basis of the High Commissioner's report and with the input of all relevant stakeholders, we can hope to have a comprehensive discussion of the issues at hand.

Any possible outcome of the intergovernmental consultations will have to make a clear distinction between proposals addressed to different stakeholders, taking into account their legal competencies. We also believe that it is important that non-governmental organizations, national human rights institutions and members of treaty bodies be given an opportunity to participate in a meaningful way in the consultations. We hope for the necessary flexibility in that regard.

**Mr. Tagle** (Chile) (*spoke in Spanish*): Chile abstained in the voting that has just taken place on resolution 66/254. Chile recognizes the efforts of the sponsors, and especially of the Russian Federation, in attempting to accommodate the concerns and proposals of other Member States. However, in the opinion of my delegation, those efforts were not sufficient to eliminate the concerns of the delegations of Chile and other States, which would have made it possible to adopt the resolution by consensus.

Moreover, Chile would like to highlight the process begun by the High Commissioner for Human Rights in Geneva in order to improve the way in which the treaty bodies function. We await the report to be submitted by the High Commissioner. We hope that the intergovernmental process in New York will begin once that report is available.

We regret that a proposal was not agreed to on including in paragraph 1 of the resolution that the process should take place in accordance with the respective legislative mandates of the main stakeholders. Chile is

a staunch defender of the independence of treaty bodies, including when it comes to establishing their own working methods. Likewise, the General Assembly has its own competencies and special working methods, and those are relevant to ensuring that appropriate funds are provided, so that bodies can carry out their functions in accordance with current and future mandates of Member States. But it cannot intervene in the way in which the treaty bodies work. The competencies of the General Assembly are different from those of the treaty bodies, as are the competencies of the States that are parties to the various treaties.

Chile hopes that the intergovernmental process will provide for the active participation of treaty bodies, civil society and non-governmental organizations. We would have liked that to have been made clear and explicit in the resolution, and not as stipulated in paragraph 6, where the President of the General Assembly is asked to put in place informal arrangements so that the intergovernmental process can benefit from the specialized knowledge of those institutions.

Chile will participate actively in the intergovernmental consultation process that will begin shortly. We hope that the negotiations will lead to a final consensus agreement, which, unfortunately, was not the case with regard to this resolution. We also hope that the future agreement will take due account of the competencies of the treaty bodies and of the human rights system in general.

**Ms. Rodríguez Pineda** (Guatemala) (*spoke in Spanish*): Guatemala is convinced of the need to strengthen the system of bodies created under human rights treaties. We would like to thank the High Commissioner for Human Rights for her efforts to help Member States in this effort as part of her mandate.

We view this process as one of strengthening, but not one of substantial reform. Guatemala abstained in the voting on resolution 66/254. In addition to supporting the process that was begun in Geneva, and which will continue in New York in April, we would have preferred more clarity with regard to the various competencies of the General Assembly and those of States parties to each human rights treaty.

Guatemala is convinced of the importance and valuable contribution of the broadest possible participation by all interested parties. However, we recognize the intergovernmental nature of the process for decision-making, which will lead us to strengthen the treaty bodies, which we all designed.

**The Acting President** (*spoke in French*): We have heard the last speaker in explanation of vote following the voting.

We shall now hear general statements.

**Ms. Li Xiaomei** (China) (*spoke in Chinese*): China supports the adoption of resolution 66/254, entitled "Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system. China wishes to reiterate its views on reforming the human rights treaty bodies as follows.

First, States parties are decreed as human rights treaty bodies, shouldering the primary responsibility for fulfilling treaty obligations. They will also be the executioners of the outcomes of the reform of human rights treaty bodies. Therefore, the process of the reform of the human rights treaty bodies should fully reflect the ownership of Member States and respect the opinions and suggestions of States parties.

Secondly, given the plethora of challenges facing the treaty bodies, such as low efficiency, overload of work and excessive burdens on States parties, China supports the necessary reforms of the treaty bodies. Such reforms should ensure that treaty bodies comply with the principles of objectivity and fairness, carry out their work in strict accordance with existing mandates, promote constructive dialogue and collaboration between the treaty bodies and States parties and avoid overlapping mandates, instances of encroachment and tendencies towards politicization and selectivity.

Against that backdrop, China supports the General Assembly incorporating the reform process of treaty bodies into the intergovernmental process. It is hoped that the President will as soon as possible launch the relevant intergovernmental negotiation process, conduct in-depth discussions on strengthening and enhancing the effective functioning of the human rights treaty body system, and generate the broadest possible consensus, thereby laying a solid foundation for the healthy development of the treaty body system. China will raise some specific reform proposals during the intergovernmental negotiation process.

**Mr. Khan** (Indonesia): Indonesia conveys its appreciation to the President of the General Assembly for convening this meeting to adopt resolution 66/254,

entitled "Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system". I particularly wish to commend the excellent facilitation by the delegation of the Russian Federation, which conducted many informal consultations and the various negotiators that went into formulating the text.

Indonesia became a sponsor of the resolution based on the merit of the subject matter at hand, as reflected in document A/66/344, entitled "Measures to improve further the effectiveness, harmonization and reform of the treaty body system", in which the Secretary-General conveys his proposals relating to the human rights treaty bodies on improving their effectiveness and identifying efficiencies in their working methods, while bearing in mind budgetary constraints and the specific burdens on each treaty body.

I am particularly pleased that the report also refers to the ongoing treaty body strengthening process led by the Office of the United Nations High Commissioner for Human Rights, who most recently conducted consultations in Geneva from 7 to 8 February, focusing on, inter alia, the strengthening of personnel and financial capacities, as well as the reporting and dialogue process among Member States and treaty bodies. I am certain that the consultations in New York scheduled by the High Commissioner, to be conducted from 2 to 3 April, will further advance our effort in that endeavour.

Our task as States is to undertake an intergovernmental treaty body strengthening process based on a multi-stakeholder approach in order to strengthen and enhance the effective functioning of the human rights treaty body system. That would, in turn, complement and enhance our own efforts as States in the promotion and protection of human rights and fundamental freedoms within our own countries.

Finally, Indonesia remains highly committed to its ratification or accession to all international human rights treaties as a continued Government priority. For that reason, Indonesia will continue to constructively support any and all efforts aimed at strengthening the treaty body system.

**Ms. Belskaya** (Belarus) (*spoke in Russian*): Belarus sponsored resolution 66/254 and highly appreciates the initiative of the Russian Federation to strengthen the human rights treaty body system. The initiative is timely and relevant. Strengthening the human rights treaty body system of the United Nations and enhancing its activities is a key component of overall United Nations reform. We are convinced that an important factor in successfully and effectively addressing the issue is the active participation of Member States in crafting ways to strengthen the human rights system.

My delegation is pleased to note that the resolution will launch an intergovernmental consultation process on an open, comprehensive and inclusive basis. The process will enable full consideration of the concerns and views of all States. The format for consultations and negotiations set out in the resolution will guarantee its success by ensuring that the views of all States are considered. The balance struck in the resolution will also make it possible for the contributions of all partners to the process, including the participants in the process carried out under the auspices of the Office of the United Nations High Commissioner for Human Rights in Geneva, to be considered.

My country is certain that as a result of constructive and transparent negotiations, the General Assembly will reach agreement on decisions aimed at effectively addressing the fundamental issues involved in enhancing the format and methodologies of the human rights treaty negotiating bodies. We call on all Member States to take active part in the negotiation process, which is aimed at truly contributing to strengthening the human rights treaty body system.

**The Acting President** (*spoke in French*): We have heard the last speaker in explanation of vote.

I shall now make a few comments on behalf of the presidency.

> "The General Assembly has adopted this morning resolution 66/254, entitled 'Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system'.

(*spoke in English*)

> "According to Article 1 of the Charter of the United Nations, one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. This has been among the principle aims of Member

States and all bodies of the United Nations system throughout its history.

"We should also recognize the valuable contribution in that regard of the human rights treaty body system. It is true that the functioning of the treaty body system has been one of the success stories of the United Nations, yet that system needs to be strengthened. Discussions on how to strengthen the treaty bodies have been ongoing for quite some time now, including in the framework of a process of reflection initiated by the High Commissioner for Human Rights.

"Therefore, it is high time to give the lead on that issue to Member States and the General Assembly. Given the universal membership and representation of the Assembly, it is unquestionable that it is the best possible forum for undertaking an intergovernmental process of negotiations aimed at strengthening and enhancing the effective functioning of the human rights treaty body system.

"My Office looks forward to undertaking the tasks assigned to it under the resolution. I believe that the practical implementation of the resolution will serve as an important contribution to strengthening the international promotion and protection of human rights."

(*spoke in French*)

The General Assembly has thus concluded this stage of its consideration of agenda item 124.

*The meeting rose at 12.35 p.m.*